

**REMARKS**

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 20-38 remain pending in the application. Claims 20, 23 and 38 have been amended to better define the claimed subject matter.

Applicant appreciates that claims 25-27, 29-31 and 33-37 contain allowable subject matter as indicated by the Examiner.

Claim 20 is objected to because of the noted informalities. In response, claim 20 has been amended, i.e., a second step of pairing each point of the second contour with one point of the first contour if said one point of the first contour exists. Accordingly, withdrawal of the objection is respectfully requested.

Claims 20-38 are rejected under 35 USC 101 as not falling within one of the four statutory categories of invention. In response, independent claim 20 has been amended to recite that "an automated method of measurement of proximity of a second contour correspondent to a template contour provided by a database containing templates of determined objected to be recognized to a first contour extracted from an image", which is believed to fulfill the requirement according to Supreme Court precedent and recent Federal Circuit decisions cited by the Examiner at page 2 of the Office Action. Therefore, Applicant respectfully submits that this rejection should be withdrawn.

Claim 23 is rejected under 35 USC 112, second paragraph. In view of the amendment to claim 23 above, this rejection should be withdrawn.

Claim 38 is rejected under 35 USC 112, first and second paragraphs as attempting to define a product (i.e., machine or apparatus) entirely by virtue of its function, in the absence of any recited structure. In response, claim 38 has been

rewritten in independent form to recite a system comprising structural means, for example, calculation means. Therefore, the rejection of claim 38 should be withdrawn.

Claims 20-22, 28, 32 and 38 are rejected under 35 USC 102 (e) as being anticipated by Wenzel et al by (US PAP 2004/0037467), hereinafter, Wenzel. Applicant respectfully traverses this rejection for at least the reasons discussed below.

Wenzel as applied by the Examiner discloses a discrete curve pattern matching where an algorithm 3 (see paragraphs [0161]-[0165] of Wenzel, the algorithm 3 is applied to each one of the target discrete curve a and the template discrete curve, based on affine transformations, to compare polygons, and decide of the matching if  $d(a,b)$  is close to zero (see paragraph [0132] of Wenzel). For convergence, the criteria may use  $d(a, a')$  and  $d(b,b')$  where  $a'$  and  $b'$  are respective transformed curves of a and b curves (see [0191] to [199]).

Wenzel fails to disclose or teach an automated two-pass process as recited in claim 20, including a first step of determining each point of the image contour IM a point of the template contour CM that is the closest, and a second step, making an inverse pointwise pairing, by selecting for each point of the template contour CM, from among the points of the image contour which have been associated with it in the first step, the point of the image contour that is the closest to the point of the template contour, if it exists. Accordingly, this rejection should be withdrawn.

Claims 23-24 are rejected under 35 USC 103(a) as being unpatentable over Wenzel in view of Huttenlocher et al. (US Patent 6249604), hereinafter, Huttenlocher. Applicant respectfully traverses this rejection.

Huttenlocher does not overcome the deficiencies of Wenzel because claims 23-24 depend on claim 20, these claims should be patentable for the reasons discussed above as well as on their own merits. Accordingly, this rejection should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN HAM & BERNER, LLP**

A handwritten signature in cursive script, reading "Kenneth M. Berner".

Kenneth M. Berner  
Registration No. 37,093

1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
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KMB/CHYser